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FLOOR DEBATE

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not present at the hearing to testify against it, but I have received, oh, probably a half-inch thick packet of information from Gary Lacey, the Lancaster County Attorney, with some of his objections to this bill. He asked basically three questions. The first question was can the Unicameral legislate jury instructions, and the County Attorney's Office said, our answer, probably not. This is a separation of powers issue. Now, the committee, in their judgment, did amend this particular part of the bill out, so that question really doesn't apply any longer. The second question was does the pretrial procedure invade the province of the jury, and the attorney...county attorney's answer was, our answer, it probably does invade the province of the jury. LB 756 authorizes a pretrial hearing unlike any other. In advance of the trial, the court determines whether or not the testimony of a witness is more probable than not. The state would be required to conduct a mini trial for the purpose of this hearing, and he goes on with other information. The third question was is LB 756 consistent with current Nebraska law, and then he goes on to give examples but his main contention was, no, the law is in conflict with the current law. So if any of you are interested, I do have the information from the Lancaster County Attorney's Office. I also received an e-mail from Captain Mark Sundermeier from the Omaha Police Department, and Captain Sundermeier, according to the computer screen and the Committee Statement, did testify against the bill. Some of his comments, I will share those with you. This bill presumes that juries composed of intelligent citizens cannot make a judgment about whether a person is telling the truth. It usurps the authority of a jury with a blanket judgment about credibility when even the most biased person will argue...or agree, I'm sorry, agree that sometimes a jailhouse informant is indeed telling the truth. Defense attorneys are perfectly free to make arguments and present evidence in this regard and do so every day. The interests of justice are better served if this determination is made on the facts of the case, not as a blanket indictment of all such testimony in perpetuity. A jailhouse informer is defined in such a broad sense that it could mean virtually anyone. Criminal suspect, in quotes, is not a category of person that is tracked within or across jurisdictions and there is no way to definitively determine that a person is not a, quote, criminal suspect. And he goes on with